



# **CITY COUNCIL AGENDA**

**OCTOBER 10, 2000**

## **SYNOPSIS**

LINDA J. LE ZOTTE  
CHARLOTTE POWERS  
CINDY CHAVEZ  
VACANT  
MANNY DIAZ

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

FRANK FISCALINI  
GEORGE SHIRAKAWA, JR.  
ALICE WOODY  
JOHN DIQUISTO  
PAT DANDO

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

**To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.**

**On occasion the City Council may consider agenda items out of order.**

---

## **1 CALL TO ORDER AND ROLL CALL**

---

**9:35 a.m. - Closed Session, Room 600, City Hall  
Absent - Council Members: None.  
Vacant: District 4.**

**1:35 p.m. - Regular Session, Council Chambers, City Hall  
Absent - Council Members: None.  
Vacant: District 4.**

---

## **2 INVOCATION**

---

**Father Dave Bridgen, San José Police Department Chaplain, delivered the Invocation. (District 9)**

---

## **3 PLEDGE OF ALLEGIANCE**

---

**Mayor Gonzales led the Pledge of Allegiance.**

---

## **4 ORDERS OF THE DAY**

---

---

## **5 CEREMONIAL ITEMS**

---

- a. Presentation of a commendation acknowledging Ralph A. Qualls, Jr., Director of Public Works, for his 15 years of outstanding service to the City of San José and its citizens. (Mayor)  
**Mayor Gonzales, joined by City Manager Borgsdorf, called to the podium Public Works Director, Ralph Qualls and his wife, Kathy Lucas. The Mayor read a commendation citing the Director's accomplishments since joining the City in 1985, first as Director of Project Management in the Redevelopment Agency, then as City Engineer and finally as Public Works Director, where he supervised construction of the Children Discovery Museum and the McEnery Convention Center, among many others, and commended him for his leadership commitment to public service**

## **5 CEREMONIAL ITEMS**

---

### **a. (Cont'd.)**

leading to outstanding cooperation with colleagues and other City departments, making San José more efficient and effective, and leading his department towards building an infrastructure in San José that positively affects the lives of residents, businesses and visitors. City Manager Borgsdorf stated one of the pleasures thus far in his tenure in San José was been working with Ralph, and stated the litany of his accomplishments cannot show the style, panaché and successfulness with which he achieved his many accomplishments, and commended him for his excellence and professionalism. Director Qualls thanked the Mayor and Council for their tributes and for the opportunity and challenges which have been afforded him over the years, and wished the best possible success to the Mayor and Council in their administration of the City of San José.

## **6 CONSENT CALENDAR**

---

### **a. Minutes for Approval**

- (1) Regular Meeting of August 8, 2000  
**Approved.**
- (2) Joint City Council/Redevelopment Agency Meeting of August 8, 2000  
**Approved.**
- (3) Regular Meeting of August 15, 2000  
**Approved.**
- (4) Adjourned Regular Meeting of August 19, 2000  
**Approved.**
- (5) Special Closed Session of August 21, 2000  
**pproved.**

### **b. Ordinances for Final Adoption**

- (1) ORD. NO. 26196 – Adopts the Neighborhood Business Clusters Redevelopment Plan and makes certain findings.  
[Deferred from 9/19/00 – Item 6b(4) and 10/3/00 – Item 6b(1)]  
**See Item 11a(2) for Council action taken.**

## **6 CONSENT CALENDAR**

---

### **b. Ordinances for Final Adoption**

- (2) ORD. NO. 26197 – Amends the Julian-Stockton Redevelopment Plan, the Olinder Redevelopment Plan, the San Antonio Plaza Redevelopment Plan, the Rincon de Los Esteros Redevelopment Plan, the Pueblo Uno Redevelopment Plan, the Edenvale Redevelopment Plan, the Guadalupe-Auzerais Redevelopment Plan, the Market Gateway Redevelopment Plan, the Century Center Redevelopment Plan, the Alum Rock Avenue Redevelopment Plan, the East Santa Clara Street Redevelopment Plan, the Almaden Gateway Redevelopment Plan, the Story Road Redevelopment Plan, The Alameda Redevelopment Plan, the West San Carlos Street Redevelopment Plan, the Japantown Redevelopment Plan, the Monterey Corridor Redevelopment Plan, the Park Center Redevelopment Plan, the Civic Plaza Redevelopment Plan, and the Neighborhood Business Clusters Redevelopment Plan to effect the merger of said Redevelopment Project Areas and making certain findings.

[Deferred from 9/19/00 – Item 6b(5) and 10/3/00 – Item 6b(2)]

**See Item 11a(3) for Council action taken.**

### **c. Public Hearings Set by Council**

**None.**

### **d. Plans and Specifications**

- (1) Adoption of resolutions approving plans, final map, and contract for subdivision tracts, if any.

**None.**

### **e. Contracts/Agreements**

- (1) Approval of agreement with the Salvation Army for redirecting reusable and recyclable materials from local landfills, in a total amount not to exceed \$198,000. (Environmental Services)

[(Deferred from 9/12/00 – Item 6e(1))]

**Approved.**

- (2) Approval of a fourth amendment and continuation agreement with Corlett, Skaer & DeVoto Architects (CSDA), for consultant services related to Phase 3 and Phase 4 of the Acoustical Treatment Program (ACT), to extend the agreement from June 30, 2000 to December 31, 2000, with no increase in compensation. CEQA: Resolution No. 67380. (Airport)

**Approved.**

## 6 CONSENT CALENDAR

---

### e. Contracts/Agreements

- (3) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with artist Michael Davis, to fabricate and install a work of art at the Tuers-Capitol Golf Course, in an amount not to exceed \$96,000. CEQA: Resolution No. 69623. (Conventions, Arts and Entertainment)

**Resolution No. 69926 adopted.**

- (4) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-2001 #14, and authorization for the Director of General Services to execute the purchase orders. (General Services)

**Approved.**

- (5) Approval of award to Flir Systems, Inc., for a sole source purchase of Flir Ultra 7000 Infrared Camera for the Police Department, for a total cost of \$222,540.35, including tax, and authorization for the Director of General Services to execute the purchase order. (General Services)

**Approved.**

- (6) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Arthur Andersen, LLP for consultant services for assistance on the implementation of the City of San José's Information Technology Master Plan, for a total cost not to exceed \$235,850. (Information Technology)

**Resolution No. 69927 adopted.**

- (7) Adoption of a resolution authorizing the City Manager to negotiate and execute a second amendment to the agreement with Turbo Data Systems Inc., to:

- (a) Authorize the processing of credit card payments for parking citations.
- (b) Authorize the Director of Streets and Traffic to increase the compensation paid for the processing of credit card payments based upon a fixed formula, with no further City Council action other than the appropriation of funding.

(Streets and Traffic)

**Resolution No. 69928 adopted.**

- (8) Adoption of a resolution authorizing the City Manager to negotiate and execute group dental agreements with Delta Dental and Dental Benefit Providers (DBP) insurance plans for the period January 1, 2001 to December 31, 2004. (Human Resources)

[Deferred from 10/3/00 – Item 6e(4)]

**Resolution No. 69929 adopted.**

## **6 CONSENT CALENDAR**

---

### **e. Contracts/Agreements**

- (9) Adoption of resolutions authorizing the City Attorney to negotiate and execute:
- (a) A first amendment to the legal services agreement with Morrison & Foerster LLP for legal services, increasing compensation by \$80,000, to a total amount not to exceed \$120,000.  
**Resolution No. 69930 adopted.**
- (b) A first amendment to the legal services agreement with McCutchen, Doyle, Brown & Enersen, LLP for legal services, increasing compensation by \$70,000, to a total amount not to exceed \$120,000.  
(City Attorney's Office)  
(Rules Committee referral 10/4/00)  
**Resolution No. 69931 adopted.**

### **f. Routine Legislation**

- (1) Approval of the appointment of Mayor Ron Gonzales to serve on the San José/Santa Clara Treatment Plant Advisory Committee. (Mayor)  
(Rules Committee referral 10/4/00)  
**Approved.**

## **END OF CONSENT CALENDAR**

## **7 COMMISSION, COMMITTEE, AND STANDING REPORTS**

---

### **a. Report of the Study Session – August 8, 2000**

#### **Mayor Gonzales, Chair**

- (1) Strong Neighborhoods Initiative  
**The Study Session consisted of presentations by Parks, Recreation and Neighborhood Services Director Mark Linder and Redevelopment Executive Director Susan Shick, on the Strong Neighborhoods Initiative plan and the proposed implementation schedule and timeline, followed by Council discussion and concluded with comments by Mayor Gonzales and City Manager Del Borgsdorf.**

**Study Session report and actions of August 8, 2000 accepted.**

### **b. Report of the Rules Committee**

#### **Vice Mayor Fiscalini, Chair**

Meeting of September 27, 2000

- (1) Review October 10, 2000 Draft Agenda  
**The Committee approved the October 10, 2000 City Council agenda.**

## **7 COMMISSION, COMMITTEE, AND STANDING REPORTS**

---

### **b. Report of the Rules Committee (Cont'd.)**

**Vice Mayor Fiscalini, Chair**

Meeting of September 27, 2000(Cont'd.)

- (2) Add New Items to October 3, 2000 Amended Agenda  
**The Committee recommended five additions to the October 3, 2000 City Council Agenda.**
- (3) Meeting Schedules  
**The Committee recommended approval of an evening Council meeting to be held on Tuesday, November 28, 2000 at 7:00 p.m. in the Council Chambers.**
- (4) The Public Record  
**The Committee noted and filed the Public Record.**
- (5) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee  
**There were none.**
- (6) Oral communications  
**None presented.**
- (7) Adjournment  
**The meeting was adjourned at 2:04 p.m.**

**Rules Committee report and actions of September 27, 2000 accepted.**

### **b. Report of the Rules Committee (Cont'd.)**

Meeting of October 4, 2000 (Partial)

- (5) Approve City positions on November 2000 Ballot Propositions  
**The Committee directed the Administration to request Parks, Recreation and Neighborhood Services Department to submit a review of Proposition 36 at the October 10, 2000 Council meeting; the Committee directed Administration, in the future, to include the sponsor of each proposition. With Council Member Diaz taking "No Position" on Propositions 35, 36 and 37, the Committee approved the following positions on the statewide ballot propositions, set for the November 2000 General Election:**

<u>Proposition</u>	<u>Recommended Position</u>
32 Veteran's Bond Act of 2000	Support
33 Legislature: Retirement	<i>Change to Support</i>
34 Campaign Contributions and Expenditures	Defer Recommendation

## **7 COMMISSION, COMMITTEE, AND STANDING REPORTS**

---

### **b. Report of the Rules Committee (Cont'd.)**

Meeting of October 4, 2000 (Partial)

- (5) Approve City positions on November 2000 Ballot Propositions (Cont'd.)

<u><b>Proposition</b></u>	<u><b>Recommended Position</b></u>
<b>35 Public Works Projects. Use of Private Contractors for Engineering and Architectural Services</b>	<b>Support</b>
<b>36 Drug Treatment Diversion Program</b>	<b>Oppose</b>
<b>37 Fees, Taxes, New Definitions, Vote Requirements</b>	<b>Oppose</b>
<b>38 School Vouchers</b>	<b>Oppose</b>
<b>39 School Facilities</b>	<b>Support</b>

- (6) 2000 National League of Cities Voting Delegate and Alternates at the Annual Business Meeting

**The Committee approved the proposed designation of Council Member Alice Woody as the voting delegate, and Council Members Powers and Dando, as alternates, at the December 9, 2000 Annual Business Meeting for the National League of Cities.**

- (7) Direct the City Auditor to conduct a Financial Audit of the State and Local Transportation Partnership Program

**The Committee referred the City Auditor's request to conduct a financial audit of the State and Local Transportation Partnership Program to the next-scheduled Finance and Technology meeting.**

**Rules Committee report (Partial) and actions of October 4, 2000 were accepted, with Council Member Chavez taking a position of "Oppose" on Proposition 35.**

### **c. Report of the Finance and Technology Committee – September 27, 2000**

**Council Member Woody, Chair**

- (1) Monthly Financial Statement for July 2000
- (2) Capital Cost Report for July 2000
- (3) Cash Flow Projection

**Items 1-3 were heard by the Redevelopment Agency.**

- (4) August Monthly Report

**The Committee accepted the Staff report with the direction that a brief update on the San José Municipal Water System RFP be presented at the next meeting.**



## **7 COMMISSION, COMMITTEE, AND STANDING REPORTS**

---

**c. Report of the Finance and Technology Committee – September 27, 2000 (Cont'd.)  
Council Member Woody, Chair**

- (5) Semi-annual Recommendation Follow-up for Six Months Ending June 30, 2000  
**The Committee approved the Staff report with the requests that updates be presented at future Committee meetings on the Public Works/PRNS Park projects system and on the HAZMAT cost recovery issue.**

- (6) An Audit of the Watershed Protection Division's Industrial and Commercial Inspection Program

**The Committee accepted the Staff report with the direction that the Environmental Services Department present a status report summarizing accomplishments and progress, before the end of the calendar year.**

- (7) Oral petitions  
**None presented.**

- (8) Adjournment  
**The meeting was adjourned at 10:15 a.m.**

**Finance and Technology Committee report and actions of September 27, 2000 accepted.**

**d. Report of the Economic and Community Development Committee  
Council Member Diaz, Chair  
No report.**

**e. Report of the Transportation and Environment Committee  
Council Member Powers, Chair  
No report.**

**f. Report of the Education, Neighborhoods, Youth, and Seniors Committee –  
September 25, 2000  
Council Member Shirakawa, Jr., Chair**

- (1) Strong Neighborhood Initiative Monthly Report  
(2) Youth Commission Monthly Report  
(3) Fire Recruitment Annual Report  
(4) Oral Petitions  
(5) Adjournment

**MEETING CANCELED**

## **8 LAND USE AND DEVELOPMENT**

---

## 9 GENERAL GOVERNMENT

---

- a. (1) Approval of the award of the Single Family Garbage and Recycling Collection and Processing contracts by district as follows:
  - (a) District A: Norcal Waste Systems, Inc.
  - (b) District B: GreenTeam of San José.
  - (c) District C: Norcal Waste Systems, Inc.
- (2) Approval of the award of the citywide Multifamily Dwelling Garbage and Recycling Collection and Processing contract to GreenTeam of San José.
- (3) Approval of the award of the Yard Trimmings Collection and Processing and Residential Street Sweeping contracts by district as follows:
  - (a) District A: GreenWaste Recovery Inc.
  - (b) District B: GreenWaste Recovery Inc.
  - (c) District C: Norcal Waste Systems, Inc.
- (4) Direction to the Administration to negotiate the final agreements for the services identified above.

CEQA: Negative Declaration.

(Environmental Services)

**Council approved recommendations in the memorandum dated October 8, 2000, by Mayor Gonzales, Vice Mayor Fiscalini, and Council Members Chavez, Dando and Powers to (1) Process the award of Recycle Plus! contracts as recommended by Staff; (2) Direct the Administration to negotiate final agreements and return to Council within 60 days; (3) Direct the Administration to report to Council in three weeks on the economic feasibility of achieving rate reduction and/or improved service for residents from the savings expected from the Staff recommendation; (4) Direct the Administration to report to Council quarterly on progress to assure a smooth transition, including customer outreach and education and costs for monitoring, marketing, and community outreach for the transition period; (5) Direct the City Auditor to perform a review audit of all recommended haulers to determine the operational adequacy of their proposals and their financial capability to perform; (6) Direct the Administration to evaluate the maximum feasible performance bond to be provided by each hauler and appropriate penalty language in the contracts to guarantee performance and prohibit requests for rate increases beyond those stipulated in the final agreement; and (7) Direct the Administration to clarify the City's prevailing wage, employee retention and labor peace policies as they relate to the RFP for Recycle Plus, and ensure their inclusion in the negotiated contract; as stipulated in the aforementioned October 8, 2000 memorandum. Noes: Diaz.**

**Council gave the following directions:**

**(A) Direction for the City Attorney to review the recommended haulers for pending litigation or liability exposure;**

*(Item continued on next page)*

## **9 GENERAL GOVERNMENT**

---

### **a. (Cont'd.)**

**Council gave the following directions:**

**(B) Direction for the City Auditor to include in his audit of the recommended haulers their financial capability to acquire essential capital equipment, including assessing the effectiveness of the split-content trucks and whether contracts have recently been lost, creating a potential negative impact to the financial assessments;**

**(C) Direction for Staff to provide to Council the financial assessments already conducted for review prior to the audit report; and to report back with information on the amount of savings expected from the first 5-year contract, operational cost figures with labor costs separated out; whether other companies have serviced areas as large as that proposed for award to a single provider; available fallback positions in the event of non-performance; providing yard waste containers free on request to all residents, and to take into consideration concerns raised about rate review processes, the performance bond, maintaining the same or better levels of service; labor peace, worker retention and prevailing wage issues; improved implementation of street sweeping; increasing the number of bins for neighborhood clean-ups; and maintaining uninterrupted service during the transition period.**

- b. Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Mel Chin, to fabricate and install a collection of public artwork for the City of San José/San José State University Library, in an amount not to exceed \$675,000. CEQA: Exempt. (Conventions, Arts and Entertainment)**

**Resolution No. 69932 adopted.**

## **10 FISCAL AFFAIRS**

---

## **11 JOINT CITY COUNCIL/REDEVELOPMENT AGENCY ITEMS**

---

### **CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 11a IN A JOINT SESSION**

- a. (1) Adoption by the City Council of a response to written objections from property owners and taxing entities to the adoption of the Neighborhood Business Clusters Redevelopment Plan and the merger of the Neighborhood Business Clusters Redevelopment Plan into the San Jose Merged Area Redevelopment Plan.
- (2) Final adoption of ORDINANCE NO. 26196 – Adopts the Neighborhood Business Clusters Redevelopment Plan and makes certain findings.
- (3) Final adoption of ORDINANCE NO. 26197 – Amends the Julian-Stockton Redevelopment Plan, the Olinder Redevelopment Plan, the San Antonio Plaza Redevelopment Plan, the Rincon de Los Esteros Redevelopment Plan, the Pueblo Uno Redevelopment Plan, the Edenvale Redevelopment Plan, the Guadalupe-Auzerais Redevelopment Plan, the Market Gateway Redevelopment Plan, the Century Center Redevelopment Plan, the Alum Rock Avenue Redevelopment Plan, the East Santa Clara Street Redevelopment Plan, the Almaden Gateway Redevelopment Plan, the Story Road Redevelopment Plan, The Alameda Redevelopment Plan, the West San Carlos Street Redevelopment Plan, the Japantown Redevelopment Plan, the Monterey Corridor Redevelopment Plan, the Park Center Redevelopment Plan, the Civic Plaza Redevelopment Plan, and the Neighborhood Business Clusters Redevelopment Plan to effect the merger of said Redevelopment Project Areas and making certain findings.

(Deferred from 9/19/00 – Item 11a and 10/3/00 – Item 11a)

**Deferred to 10/24/00.**

### **ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING**

## **12 PERMITS AND LICENSES**

---

## **13 PUBLIC SAFETY AND WELFARE**

---

## **14 CLOSED SESSION REPORT**

---

City Attorney Doyle disclosed the following Closed Session actions of October 10, 2000:

A. Authority to Enter a Litigation Case as *Amicus Curiae*:

1. Case Name: A.G.G. enterprises, Inc. v. Washington County, Oregon and City of Beaverton, Oregon.  
Adverse party or parties: A.G.G. Enterprises, Inc.

*(Item continued on next page)*

## **14 CLOSED SESSION REPORT**

---

City Attorney Doyle disclosed the following Closed Session actions of October 10, 2000:

A. Authority to Enter a Litigation Case as *Amicus Curiae*:

1. Case Name: A.G.G. enterprises, Inc. v. Washington County,  
Substance of litigation: The Lawsuit challenged the validity of ordinances regulating the collection of refuse and recyclables.

Council Vote: Ayes: Chavez, Dando, Diaz, Diquisto, Fiscalini,  
LeZotte, Powers, Shirakawa, Woody;  
Gonzales.

Noes: None.

Absent: None.

Abstain: None.

Vacant: District 4.

## **15 ORAL COMMUNICATIONS**

---

### **HEARD JOINTLY WITH REDEVELOPMENT AGENCY PUBLIC DISCUSSION**

- (1) Donna Sanchez, spoke about issues affecting the disabled.
- (2) Danny Garza, spoke about land use issues.
- (3) Ross Signorino commented on the departure of Director Qualls.

## **16 ADJOURNMENT**

---

The Council of the City of San José adjourned at 3:37 p.m.